

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT; LOS ANGELES COUNTY  
OFFICE OF EDUCATION; SOLEDAD  
ENRICHMENT ACTION PACOIMA  
EDUCATIONAL CENTER; AND  
SOLEDAD ENRICHMENT ACTION  
NORTH HILLS EDUCATIONAL CENTER

OAH Case No. 2015100139

ORDER DENYING LOS ANGELES  
COUNTY OFFICE OF EDUCATION'S  
MOTION TO DISMISS

On October 15, 2015, Los Angeles County Office of Education filed a motion to dismiss it as a party to this action. The motion was not supported by any authenticated evidence. Student did not file a response.

Although OAH will grant motions to dismiss allegations that are facially outside of OAH jurisdiction (e.g., civil rights claims, section 504 claims, enforcement of settlement agreements, incorrect parties, etc.), special education law does not provide for a summary judgment procedure. Here, LACOE contends that it is not a proper party to Student's claims because of a Memorandum of Understanding between LACOE and Soledad Enrichment Action. LACOE attached an unauthenticated copy of the Memorandum of Understanding to its motion.

LACOE's motion is not limited to matters that are facially outside of OAH jurisdiction, but instead seeks a ruling on the merits requiring factual findings by the hearing officer. Accordingly, the motion is denied. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

DATE: October 22, 2015

/s/

ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings